

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Valerie Legrand et al.

Application No.: 10/826,690

Confirmation No.: 9585

Filed: April 19, 2004

Art Unit: 1618

For: MICROPARTICULATE ORAL GALENICAL
FORM FOR THE DELAYED AND
CONTROLLED RELEASE OF
PHARMACEUTICAL ACTIVE PRINCIPLES

Examiner: L. H. Schlientz

**RENEWED PETITION FOR UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY UNDER 37 CFR § 1.78(a)(3)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application has an incomplete priority claim.

Paragraph [0001] of the current specification reads

“This application is a continuation-in-part of Application No. _____, which is the National Stage of International Application No. PCT/FR02/03443, filed Oct. 9, 2002, and claims the benefit of FR01/12999, filed Oct. 9, 2001, each of which is incorporated herein by reference.”

When this application was filed on April 19, 2004, the application number of the parent application, filed April 7, 2004, was unavailable. As such, the application number of the parent application could not be provided at the time of filing. Paragraph [0001] incorporated by reference the pending application with all information available at the time of filing. The petition requests completion of the information by adding the application number.

As per 37 CFR § 1.78(a)(3), we therefore submit a statement that the entire delay between the date the claim was due under paragraph 37 CFR (a)(2)(ii) and the date the claim

was filed is unintentional. It is submitted, therefore, that on the basis described above the delay in filing priority claim should be held to be inadvertent.

We previously filed a Petition to Amend Priority, but the December 24, 2008 Decision dismissed the petition because it improperly incorporated by reference the prior-filed application. We thank Examiner Brantley for his assistance with this matter. Given the Petition was dismissed, this renewed petition is being submitted.

As amended, we petition to amend the priority and the specification such that Paragraph [0001] will read:

“This application is a Continuation-in-Part of Application No. 10/492,129, filed July 19, 2004, currently pending, which is the National Stage of International Application No. PCT/FR02/03443, filed Oct. 9, 2002, which claims the benefit of FR01/12999, filed Oct. 9, 2001. International Application No. PCT/FR02/03443 and FR01/12999 are incorporated herein by reference.”

As the application number of the parent application was not available at the time of filing, entry of the above priority claim is respectfully requested.

Please charge our Credit Card in the amount of \$1,410.00 covering the fee set forth in 37 CFR 1.17(t). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2228, under Order No. 022290.0116C1US.

Dated: April 1, 2009

Respectfully submitted,

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